

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

IKENO JUAN COLBY CAMPBELL,

Petitioner,

v.

RICK THALER,
Director, Texas Dep't of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:10-CV-271

**ORDER DENYING MOTION TO DISMISS
PETITION UNDER 28 U.S.C. § 2254 AS TIME BARRED**

Petitioner Ikeno Juan Colby Campbell, a state prisoner, has filed with this Court a Petition for Habeas Corpus Relief Pursuant to 28 U.S.C. § 2254. On March 30, 2011, the respondent filed a Motion to Dismiss the petition as time barred. On April 4, 2011, the United States Magistrate Judge issued a Report and Recommendation recommending the Motion to Dismiss be denied as it appeared to be based upon a miscalculation. Respondent has not filed objections to the Report and Recommendation.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, the Motion to Dismiss the habeas corpus petition as time barred is DENIED.

IT IS SO ORDERED.

ENTERED this 19th day of April, 2011.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE